

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

NORTHWEST ADMINISTRATORS  
INC.,

Plaintiff,

v.

HAROLD SMITH & SON, INC., a  
California corporation,

Defendant.

CASE NO. C18-1482-RAJ

ORDER

This matter comes before the Court on Plaintiff's motion for default judgment. Dkt. # 9. The Court **GRANTS** the motion and directs the clerk to enter default judgment as directed at the conclusion of this order.

The Court's role in reviewing a motion for default judgment is not ministerial. It must accept all well-pleaded allegations of the complaint as fact, except facts related to the amount of damages. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987). Where those facts establish a defendant's liability, the Court has discretion, not an obligation, to enter a default judgment. *Aldabe v. Aldabe*, 616 F.2d 1089, 1092 (9th Cir. 1980); *Alan Neuman Productions, Inc. v. Albright*, 862 F.2d 1388, 1392 (9th


1 Cir. 1988). The plaintiff must submit evidence supporting a claim for a particular sum of  
2 damages. *TeleVideo Sys.*, 826 F.2d at 917-18; *see also* Fed. R. Civ. P. 55(b)(2)(B). If the  
3 plaintiff cannot prove that the sum it seeks is “a liquidated sum or capable of  
4 mathematical calculation,” the Court must hold a hearing or otherwise ensure that the  
5 damage award is appropriate. *Davis v. Fendler*, 650 F.2d 1154, 1161 (9th Cir. 1981).

6 Plaintiff is the authorized administrative agent for and assignee of the Western  
7 Conference of Teamsters Pension Trust Fund. The evidence it has presented establishes  
8 that Defendant was delinquent in its monthly contributions to the fund. The evidence  
9 demonstrates that the amount of liability for the delinquency is \$98,894.26, plus  
10 liquidated damages in the amount of \$24,568.65, and interest in the amount of \$2,148.72.

11 In addition, Plaintiff requests attorney fees and costs. Although Plaintiff’s  
12 evidence of attorney fees includes the hourly fees of non-attorneys, Plaintiff has  
13 established that its counsel does not incorporate non-attorney work into his hourly rate,  
14 and has established that counsel actually bills Plaintiff for the work of non-attorneys.  
15 Dkt. # 9 at 5. In accordance with *Trustees of the Const. Indus. & Laborers Health &*  
16 *Welfare Trust v. Redland Ins. Co.*, 460 F.3d 1253, 1256-57 (9th Cir. 2006), the Court  
17 awards the hourly fees of both Plaintiff’s counsel and counsel’s hourly-billing support  
18 staff. The Court finds that Plaintiff’s evidence supports an attorney fee award of \$797.90  
19 and costs of \$762.74.

20 The Clerk shall enter default judgment in accordance with this order.  
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22 Dated this 15th day of May, 2019.  
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26 The Honorable Richard A. Jones  
27 United States District Judge